

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

GATHA N. LOGAN, JR.,)
)
Plaintiff,) Case No. 1:15-cv-305
v.)
)
JENKINS & HABENICHT PLLC,) Judge Mattice
) Magistrate Judge Steger
Defendant.)
)

ORDER

On November 20, 2015, Magistrate Judge Christopher H. Steger filed his Report and Recommendation (Doc. 3). Magistrate Judge Steger recommended that (1) this claim be dismissed without prejudice because “the complaint does not contain the requisite jurisdictional statement setting forth the basis on which this court has subject matter jurisdiction in this case;” and (2) that Plaintiff’s *in forma pauperis* application be denied as moot. (Doc. 3 at 3).

Plaintiff has filed no objections to the Magistrate Judge’s Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Steger’s well-reasoned conclusions. Because the Complaint fails to set forth the basis on which this Court has subject matter jurisdiction, this action will be **DISMISSED WITHOUT PREJUDICE.**

¹ Magistrate Judge Steger specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 21 at 17 n.7); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's findings of fact, conclusions of law, and recommendations (Doc. 3);
- Plaintiff's Complaint (Doc. 2) is **DISMISSED WITHOUT PREJUDICE**; and
- Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 1) is **DENIED AS MOOT**.

SO ORDERED this 5th day of February, 2016.

/s/ *Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE